IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH

C.R.No.1919 of 1988

DATE OF ORDER:

M/s Chandgi Ram

...Petitioner(s)

Versus

Ram Niwas

....Respondent(s)

CORUM : HON'BLE MR. JUSTICE M.M. AGGARWAL

.*.*.*.

Present: Mr. Raj Kumar Gupta, Advocate.

Mr. Sudesh Sharma, Advocate.

M.M. AGGARWAL,J

Plaintiff, now respondent had filed civil suit for recovery of Rs.2840/- as against the petitioner. That suit was dismissed by Addl. Senior Sub Judge, Jind vide judgment dated 8.4.1987. However, appeal filed by the plaintiff, now respondent had been allowed vide judgment dated 10.6.1988. Suit was decreed and it had been further held that plaintiff shall be entitled to the future interest @ 6 % per annum on the principal amount of Rs.2000/-.

This is revision petition against that judgment dated 10.6.1988 passed by Additional District Judge, Jind.

Counsel for the petitioner had argued that a false suit was filed and the petitioner did not give any writing and further that the suit was against Chandgi Ram Bilas Commission Agents through Chabil Dass and that defendant, now petitioner was a firm and that firm was not properly sued and Chabil Dass was just an employee there.

In this case, a writing Annexure P-1 executed by Chhabil Dass was produced by the plaintiff.

According to the plaintiff, now respondent, he had paid Rs.3900/- to Chabil Dass employee of the defendant firm, who had given

this chit i.e writing Annexure P-1. Amount had been given for purchase of gawar. However, defendant did not hand over the crop of gawar nor returned any amount. When he made demand, then Rs.1900/- were returned after 17 months and six days and remaining amount was not returned. Plaintiff had examined handwriting expert to prove that writing copy Annexure P-1 was executed by the defendant Chabil Dass and had appeared as his own witness as well to support the fact of decree & payment. There was simple denial by Chabil Dass while appearing as DW1.

Case of the plaintiff, now respondent was supported by a chit written by the defendant Chabil Dass. This was also supported by handwriting expert that the writing was in the hand of Chabil Dass. Simple denial of the defendant could not help much.

Contention of petitioner that defendants had not been properly sued, cannot be considered at all since no such plea was taken in the written statement before the trial Court and moreover the present petition has even been filed by Chabil Dass on behalf of Chandgi Ram Bilas Commission, who were defendants of the case.

I do not find any merit in the petition and the same is dismissed.

March , 2007 (M.M. AGGARWAL)
manoj JUDGE